

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



September 21, 1978

Application No. 12672 of Charles V. Withers, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot width requirements (Sub-section 3301.1) for a proposed sub-division and construction of two new semi-detached dwellings in the R-2 District at the premises 4460 and 4462 C Street, S. E. (Square 5351, Lot 882).

HEARING DATE: June 21, 1978

DECISION DATE: July 5, August 2, September 6, 1978

FINDINGS OF FACT:

1. The subject property is located on the North side of C Street, S. E. between Texas Avenue and Benning Road in the R-2 zoning district.

2. Lot 882 has an area of 7,500 square feet and is fifty feet in width.

3. The applicant proposes to subdivide lot 882 into two lots, each of which will have an area of 3,750 square feet and a width of twenty five feet.

4. The R-2 District requires a minimum lot width of thirty feet. The applicant has requested a variance from the minimum lot width requirements in the amount of five feet or seventeen per cent for each proposed lot.

5. The minimum lot area required in the R-2 district is 3000 square feet. The applicant proposes to create two lots each of which will be 3,750 square feet in area, which meet the minimum required. The lots are extremely deep, having a depth of 150 feet.

6. The R-2 District allows a maximum lot occupancy of forty per cent. The proposed construction will result in an actual lot occupancy of approximately twenty per cent for each lot.

7. Housing types in the immediate vicinity of this property

range from single family detached dwellings to three and four story garden apartments. Immediately adjacent to the east of this site is a parking lot which serves an apartment building located on Benning Road, N. E.

8. Nearly all of the homes in the 4500 block of C Street S. E. are single family detached brick structures, although the land is zoned R-2. The homes on this block are similar in design. Most are two stories high and constructed of brick.

9. In December 1971 by B.Z.A. Order No. 10407 the board granted a variance from the minimum lot width requirements.

10. The Municipal Planning Office by memorandum dated June 14, 1978, recommended that the application be approved, stating that:

Because the two proposed lots significantly exceed the minimum lot area requirements of the R-2 districts, MPO was of the opinion that the granting of this application will not result in overcrowding, will not tend to adversely affect adjoining or nearby properties and is in keeping with the spirit and intent of the Zoning Regulations.

11. Some residents and homeowners in the 4500 block of C Street, S. E. submitted a petition to the record in opposition to the granting of this application

12. Advisory Neighborhood Commission 7F voted to oppose the application on the grounds that the homeowners were not notified, and that the majority of the homes in the neighborhood are detached homes with fifty foot lots.

13. The property owner of the immediately adjacent single family dwellings, by letter dated June 20, 1978, supported this application.

14. At its public meeting held on July 5, 1978, the Board was concerned about the effect that the design of the proposed buildings might have on the character of the existing neighborhood. The Board requested the Municipal Planning Office to report on that issue.

15. The Municipal Planning Office submitted a supplementary report to the Board dated July 20, 1978. The MPO reported the following to the Board:

A. The effect of this application on the neighborhood if granted, would be to introduce 2 semi-detached dwellings on a block which consists of predominantly detached dwellings. The existing R-2 zoning, however, permits semi-detached dwellings even though the predominant housing type in this block is detached. With only one or two vacant lots in this block, the addition of semi-detached dwellings would have little impact on the block due to the lack of vacant land. In addition this site is adjacent to a 3 story garden apartment which fronts on Benning Road.

B. The majority of houses in this block are similar in design. Most are two stories high and are constructed of brick. There are four frame dwellings directly across from the subject property and the closest existing residence on the north side of "C" Street to the site is stuccoed.

C. The plans submitted in this case, indicate that the proposed dwellings are to be constructed primarily of brick but with stuccoed panels on the front facades. The interior layout of the dwellings is well designed with average to larger than average room sizes for dwellings of this type. Each unit contains a living room, dining room, three bedrooms and 2 1/2 baths. No landscaping plans were submitted to the Board with this application.

The Municipal Planning Office suggested that the proposed dwellings would be more in keeping with the existing homes on the block if the front facades were made entirely of brick, and if landscaping and fencing were provided for the houses. The Board so finds.

16. At its public meeting held on August 2, 1978, the Board tentatively approved the application, subject to the applicant submitting plans to carry out the recommendation of the Municipal Planning Office. At its public meeting held on September 6, 1978, the Board approved the revised plans as submitted by the applicant.

17. As to the issues and concerns of the Advisory Neighborhood Commission and other persons in opposition, the Board finds that the notice required by the Supplemental Rules of Practice and Procedure, including advertisement in a newspaper and D. C. Register, posting of the property and mailing to neighboring residents, was given in the manner legally required. The Board further finds that even though the majority of homes in the area are detached single family structures, the Zoning Regulations in effect since 1958 have permitted semi-detached structures on thirty foot lots. The variance requested by the applicant is minimal, and the Board finds that the application as approved would be basically consistent with the existing neighborhood. The Board also notes that the adjacent property owner, who stands to be most directly affected by the approval of the application, supported the application.

#### CONCLUSIONS OF THE LAW AND OPINION

The Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of practical difficulty. The Board concludes that the extreme depth of the property, when coupled with the width and the fact that the site is one of only few vacant sites in the area, does create such difficulty. The Board notes that the proposed lots and buildings will meet all requirements of the Zoning Regulations. The Board concludes that although the majority of the homes in the block are detached homes with fifty feet lots the proposed semi-detached dwellings will not impact adversely upon the neighborhood nor will they contribute to a depreciation of property. The Board is of the opinion that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning regulations and map. Accordingly, it is ORDERED that the application is GRANTED, in accordance with the revised plans approved by the Board marked as Exhibit 41 in the record.

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VOTE: 4-0 (William F. McIntosh, Walter B. Lewis, Charles R. Norris and Leonard L. McCants to grant, Chloethiel Woodard Smith not voting, not having heard the case.)

BY THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 21 SEP 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

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